IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE D.S.R.VARMA**

**WRIT PETITION NO : 4411 of 2005**

Between:

R. Sivanaga Jyothi, W/o. Durga Prasad,
Vallabhapuram Village, Kollipara Mandal, Guntur District.

**..... PETITIONER**

AND

1 The Revenue Divisional Officer, Tenali, Guntur District.
2 The Mandal Revenue Officer, Kollipara, Guntur District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 1st respondent in initiating proceedings in Rc. No. 299/2005-K and thereby passing the impugned Order Dt. 28-02-2005, straight away suspending the authorization of F.P. Shop Dealership granted in favour of the petitioner pending enquiry under APPDS Control Order, 2001, contrary to the procedure prescribed in Sub-Clause (4) of Clause 5 of the A.P.P.D.S. Control Order, 2001, basing on the Order passed by the 2nd respondent in Rc. No. 101-05 CSRI, Dt. 01-03-2005 without jurisdiction as contrary to sub-clause (4) of Clause 2 of the A.P.P.D.S. Control Order, 2001 and thereby passing the impugned order without affording any hearing of opportunity to the petitioner, without assigning any independent reasons and application of mind resulting in total violation of principles of natural justice which is wholly arbitrary, illegal, unlawful, unconstitutional, contrary to doctrine of fairness and in violation of principles of natural justice and consequently pass such other order or orders as may be deemed necessary and proper in the interests of justice.

**Counsel for the Petitioner: MR.CH.RAVINDRA BABU**

**Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES**

**The Court at the stage of admission made the following :**

***ORAL ORDER*:**

Heard both sides. Perused the material placed before me.

Suspension of the authorisation of the petitioner as a fair price shop dealer is under challenge in this writ petition.

It is to be seen that the said suspension is pending enquiry under Andhra Pradesh Public Distribution System Control Order, 2001, on certain alleged irregularities. However, the petitioner has straight away come to this Court without availing the statutory remedy of appeal. Therefore, the writ petition is liable to be closed on that ground alone.

Accordingly, the writ petition is closed at the stage of admission, giving liberty to the petitioner to file a statutory appeal before the appellate authority seeking redressal. No costs. However, since the suspension of the authorisation of the petitioner is pending enquiry, liberty is given to the petitioner to offer his explanation and upon such an explanation being submitted by the petitioner, the 1st respondent shall proceed with an enquiry and pass appropriate final orders in that regard as expeditiously as possible, preferably within six weeks thereafter.

---

kvsn 07-03-2005

To

1 The Revenue Divisional Officer, Tenali, Guntur District.

2 The Mandal Revenue Officer, Kollipara, Guntur District.

**3** Two CCs to The Government Pleader for Civil Supplies, High Court buildings, Hyderabad.

4 Two CDs.